

REMARKS

This response is to the Office Letter mailed in the above-referenced case on February 01, 2005, made final. Claims 1-24 and 26-34 are presented for examination. The Examiner rejects claims 1-2, 8, 12-14, 23-24 and 26-28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,948,061, hereinafter Merriman. Claims 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,913,040, hereinafter Rakavy. Claims 3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman in view of Worley (US 6,651,190) hereinafter Worley. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman in view of Angles (5,933,811) hereinafter Angles. Claims 9 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman in view of Ravashetti (US 6,230,199) hereinafter Ravashetti. Claims 10-11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman in view of Houry (US 6,665,715) hereinafter Houry. Finally, claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman in view of Ravaky.

Applicant has carefully noted and reviewed the Examiner's rejections, references and comments. Applicant herein amends selected claims to more particularly point out the patentable aspects of the invention. Applicant herein argues the patentability of the claims, as amended, over the prior art provided by the Examiner.

Applicant herein amends the independent claims to positively recite that the user navigation behavior recorded, stored and used to generate profile or preference data includes, at least, transaction activity occurring at destination Web sites.

Merriman provides a method and apparatus for targeting the delivery of advertisements over a network such as the Internet. The use of the advertisements is tracked to permit targeting of the advertisements of individual users. In response to requests from affiliated sites, an advertising server transmits to people accessing the page of a site an appropriate one of the advertisements.

Applicant argues that Merriman tracks the user's browser request for certain ads offered at affiliated Web sites only. Merriman uses the address information and or other information passed by the browser for the user, including the page being accessed by the user, the advertising server process determines an appropriate advertisement to select for the particular user. In addition, the advertising server process, of Merriman, will use information such as the number of times the user has seen various advertisements, how often the advertisement has been seen by any user and the start and stop date for the various advertisements to select which advertisement to transmit to the user's web page for display.

Applicant argues that the system of Merriman teaches tracking user activity only as related to specific, proprietary advertisements as stored in the database of Merriman (col. 5, lines 50-63). Applicant stresses that the particular difference between applicant's invention and that of Merriman is that Merriman's system tracks the advertisements and how many times they are accessed and by which user, not the behavior of the user's general navigation on the data-packet-network including at least transaction types occurring at destination Web sites, as claimed.

Applicant believes that claims 1 and 23, as amended, are patentable over the art of Merriman as argued above. Claims 2-14 and 24-34 are patentable at least as depended upon a patentable claim.

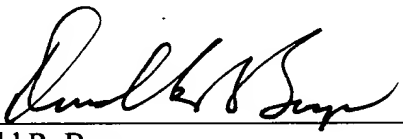
The Examiner rejects independent claim 15 as being anticipated by Rakavy. Applicant also herein amends independent claim 15 to positively recite; "wherein the profile data is accumulated by monitoring user navigation behavior on a data-packet-network including, at least, transaction types occurring at destination Web sites."

Applicant points out that all of the user data profile information in the art of Rakavy is directly input by the user in response to a questionnaire pertaining to user interests (col.9, lines 16-21). Rakavy fails to teach monitoring and logging user navigation behavior on the data-packet-network as claimed. All of the user profile information used to provide advertisements, in the art of Rakavy, is directly input by the user.

Applicant believes claim 15, as amended, are clearly patentable over the art of Rakavy. Claims 16-22 are patentable on their own merits, or at least as depended from a patentable claim.

It is therefore respectfully requested that this application be reconsidered, the claims be allowed, and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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